

## EXHIBIT A PART 3

**CITY OF NEWBURGH**  
**BUILDING INSPECTION OFFICE**

(845) 569-7400 TELEFAX (845) 569-7435

**BUILDING  
PERMIT**

**2006-00094**

This document certifies that a Building Permit has been issued by the City of Newburgh Building Inspector Office for work to be performed at the address listed below.

Location: 96 Broadway  
Section, Block. Lot: 30.-5-22

Owner: 96 BROADWAY LLC

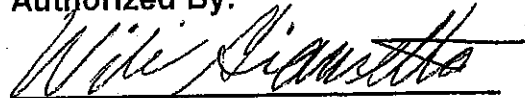
Contractor: MAXIMUM SOLLUTIONS INC

This Permit is issued for the following work to be performed:

THIS PERMIT IS FOR ROOF REPAIR ONLY PER LETER FROM ARCHITECT  
DATED FEBRUARY 3, 2006  
3/24/2006: PERMIT ISSUED FOR REVISED WORK SHOWN ON PLANS AND  
SUBJECT TO ADDRESSING COMMENTS DATED 3/22/2006

\* NO EXTERIOR CHANGES UNTIL ARC APPROVAL AS  
per Bill Cummings 5-8-06

Authorized By:



Building Inspector

Date: 2/6/2006

This Document Must be Conspicuously Posted On The Premises

WHELDON A. ABT, ARCHITECT, P.C. 90 CRYSTAL RUN ROAD • MIDDLETOWN, NY 10941 • 845-695-1444

March 22, 2006

Mr. Bill Cummings, Code Compliance Supervisor  
City of Newburgh Building Inspector's Office  
22 Grand Street  
Newburgh, N.Y. 12550

RE: Plan Review  
96 Broadway

Dear Mr. Cummings,

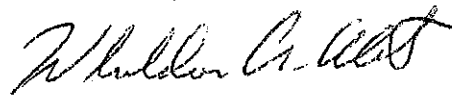
Please find enclosed revised Plan Review comments on this project.

A Preliminary Meeting was held for this project at the Building Dept. on 2/14/06. A Building Evaluation was requested. The resubmitted plans indicate structural additions extending to the basement to support the project and 3rd & 4th floor additions. The extent of structural alterations, additions, and new elements make the project basically subject to the Building Code and not Appendix K. The plans as revised indicate conformance with the Building Code, subject to the comments. The proposed project now includes an automatic sprinkler system throughout the building. Therefore, I recommend that a permit could be issued subject to the following:

1. Structural Inspections are required in accordance with Section 1704.1.1. A list of required inspections & inspectors is to be provided.
2. The plans indicate that the Contractor is to provide shoring and bracing plans. Shoring and bracing plans should be provided prior to structural removals and should be signed and sealed by a licensed NYS professional engineer.
3. Remaining comments including submission of electrical, mechanical, & plumbing plans should be addressed within a reasonable period of time.

Please contact me regarding this Plan Review and project. Thanks.

Sincerely,



Wheldon A. Abt

CITY OF NEWBURGH BUILDING INSPECTOR'S OFFICE

PROJECT: 96 Broadway

DATE: March 22, 2006

REVIEWER: Wheldon A. Abt, Architect

Drawings & Specifications prepared & certified by:

Eric Knute Osborn, Architect NYS Lic.#021585

The following comments are based upon revised and additional Drawings S-1, A-1, A-2, A-3, A-4, ST-1, ST-2, ST-3, Elect-1, Elect-2, SPRL-1, and SPRL-2 dated through 2/27/06 and the project Preliminary Meeting held 2/14/06. The comments below reflect by number previous comments dated 1/23/06 and are in response to the resubmitted materials:

Comment #

1. Applicable Regulations - Appendix K of the Building Code of NYS. No response required.
2. General - The project includes the Reconstruction with an Addition of an existing building, and was the subject of a Preliminary Meeting on 2/14/2006. The Building Evaluation has determined that the Addition (3rd & 4th stories) requires structural additions extending to the basement. This work is subject to the Building Code including Chapter 17 for Structural Inspections. The project includes an automatic sprinkler system (NFPA 13) throughout the building. See comments below.
3. Additions - Chapter K9 (#5 on 1/23/06 comments)  
Additions require compliance with the Building Code & Title 19 Codes. K901.1.  
A. The Occupancies R3, B, and M are permitted in the structure as shown with spearations and the proposed sprinkler system. The Construction Type is indicated as Type III, but also includes Type II on the upper floors. No response required.  
B. Structure - The structural Additions are indicated as in conformance with the Building Code for design (Chapter 16). Conformance with Chapter 17 for Structural Tests & Inspections is required. See Section 1704.1.1 where a "statement of special inspections required..& a list of who is authorized to perform them" is a building permit requirement. Submit list of required inspections & inspectors.  
C. Smoke alarms - Smoke alarms are required in the R3 occupancy in accordance with Section K904 and Section 907.2.10 of the Fire Code. Detectors are required outside the sleeping rooms and on each story of the dwelling unit.  
D. Accessibility - The dwelling units are required to be "B" type units in accordance with Chapter 11.  
E. Energy Conservation - Compliance with Section K906 is indicated.
4. Reconstruction & Alterations (#s 3 & 4 on 1/23/06 comments)  
The project basically requires conformance with the Building Code due to the extent of the Alterations and Additions. New elements of Alterations require conformance with the Building Code:  
A. B - Business occupancies on 2nd floor have 1 exit as permitted for spaces with maximum occupant loads of 50 persons by Table 1004.2.1. Indicate maximum occupant load.  
B. Accessibility - Verify maneuvering space (5'diam. or "T" clearances) for B & M lavatories in accordance with ICC/ANSI A117.1.

CITY OF NEWBURGH BUILDING INSPECTOR'S OFFICE

PROJECT: 96 Broadway

DATE: March 22, 2006

Comment # Continued

4. Reconstruction & Alterations (Continued)

- C. Rated enclosures & separations including stairs, corridors, & occupancy separations to be in accordance with Chapter 7 & Sections 706 - 708 not Appendix K. Opening protectives are required for doors & penetrations, and continuity is required (supporting construction). Storage under stairs (R3) requires protection.
- D. Elevator - Elevator requires conformance with Chapter 30 - Section 3001.2. Only elevator systems referenced in this Section are permitted.
- E. Electrical, Mechanical, Plumbing - All electrical work is to be in conformance with Chapter 27 (NFPA 70). Include GFI protection in lavs and kitchens. Mechanical systems are to conform to Chapter 28 and the Mechanical Code of NYS. Include documentation of ventilation requirements, lavatory exhaust systems. Plumbing Systems to conform to Chapter 29 and the Plumbing Code of NYS. Submit professionally certified plans indicating conformance with Electrical, Mechanical, & Plumbing work with the referenced Codes. The sprinkler system requires conformance with NFPA 13 (13R is not permitted since the building is mixed use). Provide professionally certified plans and hydraulic calculations for the sprinkler system.

END OF COMMENTS

Pg. 2 of 2



CITY OF NEWBURGH  
CODE COMPLIANCE DEPARTMENT  
123 Grand St. Newburgh, NY 12550  
Telephone: (845) 569-7400 Fax: (845) 569-0096

Date: 5/2/2006

SBL: 30.-5-22

To: 96 BROADWAY LLC  
96 BROADWAY  
NEWBURGH, NY 12550

Re: Violation Notice Number: 2006-2637  
At: 96 Broadway

Property Owned By: 96 BROADWAY LLC  
Premises Occupied By:

**PLEASE TAKE NOTICE:**

That upon inspection duly made in accordance with the City of Newburgh Code of Ordinances, it appears that there is upon the premises or property located as name above a violation of the NYS Property Maintenance Code. Specifically it is believed that there is a violation of Section: 300-26A CITY CODE

There is reason to believe that said condition is Dangerous to Public Safety AND SHALL BE CORRECTED AT ONCE. Failure to comply with this notice may result in penalty as prescribed by the Ordinances of the City Of Newburgh.

**DESCRIPTION OF VIOLATION: 96 BROADWAY  
CERTIFICATE OF APPROPRIATENESS.**

NO PERSON SHALL CARRY OUT ANY EXTERIOR ALTERATION, RESTORATION, RECONSTRUCTION, DEMOLITION, NEW CONSTRUCTION OR MOVING OF A LANDMARK, NOR SHALL ANY PERSON MAKE ANY MATERIAL CHANGE IN THE APPEARANCE OF SUCH A PROPERTY, ITS LIGHT FIXTURES, SIGNS, SIDEWALKS, FENCES, STEPS, PAVING OR OTHER EXTERIOR ELEMENTS VISIBLE FROM A PUBLIC STREET OR ALLEY WHICH AFFECT THE APPEARANCE AND COHESIVENESS OF A DISTRICT AND IT DESIGNATED PROPERTIES, WITHOUT FIRST OBTAINING A CERTIFICATE OF APPROPRIATENESS.

**CORRECTIVE ACTION NEEDED:**

OBTAIN ARC APPROVAL FOR ANY EXTERIOR CHANGES/ EXTERIOR

By Order Of:



You are hereby advised to notify this office when this violation has been corrected by calling the number listed. At that time you should request an appointment for reinspection of the property. If you have any questions concerning this violation, please call this office and request to speak to: BRUCE TERWILLIGER

Telephone: (845) 569-7400 Fax: (845) 569-0096

Date: 5/2/2006

SBL: 30.-5-22

To: 96 BROADWAY LLC  
96 BROADWAY  
NEWBURGH, NY 12550Re: Violation Notice Number: 2006-2636  
At: 96 BroadwayProperty Owned By: 96 BROADWAY LLC  
Premises Occupied By:

## PLEASE TAKE NOTICE:

That upon inspection duly made in accordance with the City of Newburgh Code of Ordinances, it appears that there is upon the premises or property located as name above a violation of the CITY CODE OF ORDINANCE Specifically it is believed that there is a violation of Section: 122.12 CITY CODE

There is reason to believe that said condition is Dangerous to Public Safety AND SHALL BE CORRECTED AT ONCE. Failure to comply with this notice may result in penalty as prescribed by the Ordinances of the City Of Newburgh.

## DESCRIPTION OF VIOLATION: 96 BROADWAY

122.12. NO PERSON SHALL COMMENCE THE ERECTION, CONSTRUCTION, ENLARGEMENT, ALTERATION, REMOVAL, IMPROVEMENT, DEMOLITION, CONVERSION OR CHANGE IN THE NATURE OF THE OCCUPANCY OF ANY BUILDING OR STRUCTURE, OR CAUSE THE SAME TO BE DONE, WITHOUT FIRST OBTAINING A SEPARATE BUILDING PERMIT FROM THE BUILDING OFFICIAL FOR EACH SUCH BUILDING OR STRUCTURE, EXCEPT THAT NO BUILDING PERMIT SHALL BE REQUIRED FOR THE PERFORMANCE OF ORDINARY REPAIRS WHICH ARE NOT STRUCTURAL IN NATURE.

## CORRECTIVE ACTION NEEDED:

STOP ALL WORK UNTIL PROPER BUILDING PERMIT IS OBTAINED/ EXTERIOR

By Order Of:



You are hereby advised to notify this office when this violation has been corrected by calling the number listed above. At that time you should request an appointment for reinspection of the property. If you have any questions concerning this violation, please call this office and request to speak to: BRUCE TERWILLIGER



CITY OF NEWBURGH  
BUILDING INSPECTOR'S OFFICE  
DAILY INSPECTION RECORD

\_\_\_\_ UPDATE \_\_\_\_ NO INSPECTION \_\_\_\_ EXTERIOR \_\_\_\_ VACANT  
INSPECTION NUMBER \_\_\_\_\_ VIOLATION NUMBER \_\_\_\_\_

DATE OF INSPECTION 5-2-06

ADDRESS: 96 Broadway  
SECTION: \_\_\_\_\_ BLOCK: \_\_\_\_\_ LOT: \_\_\_\_\_ ZONE \_\_\_\_\_

OWNER: (NAME AND ADDRESS)

PHONE \_\_\_\_\_

TYPE OF INSPECTION: ☒ NEW INSPECTION \_\_\_\_ REINSPECTION

REINSPECTION DATE: 6-2-06

REASON FOR INSPECTION:

\_\_\_\_ BUILDING PERMIT \_\_\_\_ INFORMATIONAL \_\_\_\_ GENERAL  
\_\_\_\_ C OF O \_\_\_\_ NEIGHBORHOOD/BLOCK \_\_\_\_ COURT RE  
☒ COMPLAINT \_\_\_\_ PLUMBING \_\_\_\_ PRE-RENTAL

10:00 AM

NUMBER OF VIOLATIONS FOUND 2 NUMBER OF VIOLATIONS CORRECTED 0

UNIFORM CODE OCC. CLASS \_\_\_\_\_ NFPA PROPERTY USE CODE \_\_\_\_\_

ARRIVAL TIME: 12:50

COMPLETION TIME: 12:55

NUMBER OF DU'S (IF RESIDENTIAL) \_\_\_\_\_

PASS ☒ FAIL INSPECTION

INSPECTED BY:

\_\_\_\_ GIAMETTA ☒ TERWILLIGER \_\_\_\_ MORRILL \_\_\_\_ BRANSON \_\_\_\_ POST  
\_\_\_\_ JAMES NELSON  
\_\_\_\_ A.C. MANDOSKE  
\_\_\_\_ L.T. WISEMAN

LIST OF VIOLATIONS OR COMMENTS:

CODE NUMBER

AREA

<u>C/A STOP work obtain building permit</u>	<u>122-12</u>	<u>2006-2636 exterior</u>
<u>C/A obtain ARC approval for exterior changes</u>	<u>300-26A</u>	<u>2006-2637 exterior</u>

**CITY OF NEWBURGH  
BUILDING INSPECTOR'S OFFICE**

123 Grand Street  
Newburgh, NY 12550

Phone: 569-7400  
FAX: 569-0096

**COMPLAINT**

MEMO TO:

Bruce

MEMO FROM:

Belissa

DATE:

4-28-06

RE:

96 Broadway

COMPLAINT NAME:

Michael Gabore

COMPLAINT ADDRESS:

COMPLAINT PHONE:

\_\_\_\_\_ WILL MEET INSPECTORS

AT

(TIME)

AM/PM ON

(DATE)

NATURE OF COMPLAINT

Floor being added onto  
building. No permit for it, No arc  
approval.

Exhibit H

123 Grand Street Newburgh, NY 12550  
Phone: (845) 569-7400 Fax: (845) 569-0096

**Bill Cummings**  
Director of Code Compliance

5/8/2006

96 BROADWAY LLC  
96 BROADWAY  
NEWBURGH, NY  
12550

***LIFTING ORDER TO VACATE***

Re: 96 Broadway

Dear 96 BROADWAY LLC

An inspection was made on 5/8/2006 by the Code Compliance Office. This inspection will Lift the Order to Vacate dated 5/2/2006.

Sincerely,

  
Bill Cummings  
Director of Code Compliance

CITY OF NEWBURGH  
BUILDING INSPECTOR'S OFFICE  
DAILY INSPECTION RECORD

\_\_\_\_ UPDATE \_\_\_\_ NO INSPECTION \_\_\_\_ EXTERIOR \_\_\_\_ VACANT  
INSPECTION NUMBER \_\_\_\_\_ VIOLATION NUMBER \_\_\_\_\_

DATE OF INSPECTION 5-8-06

ADDRESS: 96 Broadway  
SECTION: \_\_\_\_\_ BLOCK: \_\_\_\_\_ LOT: \_\_\_\_\_ ZONE \_\_\_\_\_

OWNER: (NAME AND ADDRESS)

PHONE \_\_\_\_\_

TYPE OF INSPECTION: \_\_\_\_ NEW INSPECTION ☒ REINSPECTION

REINSPECTION DATE: \_\_\_\_\_

REASON FOR INSPECTION:

\_\_\_\_ BUILDING PERMIT \_\_\_\_ INFORMATIONAL \_\_\_\_ GENERAL  
\_\_\_\_ C OF O \_\_\_\_ NEIGHBORHOOD/BLOCK \_\_\_\_ COURT RE  
☒ COMPLAINT \_\_\_\_ PLUMBING \_\_\_\_ PRE-RENTAL

NUMBER OF VIOLATIONS FOUND 0 NUMBER OF VIOLATIONS CORRECTED 0

UNIFORM CODE OCC. CLASS \_\_\_\_\_

NFPA PROPERTY USE CODE \_\_\_\_\_

ARRIVAL TIME: 10:00

COMPLETION TIME: 10:30

NUMBER OF DU'S (IF RESIDENTIAL) \_\_\_\_\_

PASS/FAIL INSPECTION \_\_\_\_\_

INSPECTED BY:

\_\_\_\_ GLAMETTA \_\_\_\_ TERWILLIGER \_\_\_\_ MORRILL \_\_\_\_ BRANSON \_\_\_\_ POST  
\_\_\_\_ JAMES NELSON  
\_\_\_\_ A.C. MANDOSKE  
\_\_\_\_ L.T. WISEMAN

LIST OF VIOLATIONS OR COMMENTS:

CODE NUMBER

AREA

<u>Stop work Lifted</u>		
<u>2006-2630 corrected</u>		
<u>agreement reached with cummings,</u>		
<u>Crab, Dollinger &amp; Terwilliger</u>		

9696 2461 2002 0110 0110 0007

**U.S. Postal Service<sup>™</sup>**  
**CERTIFIED MAIL<sup>™</sup> RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)  
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Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark  
Here

Sent To 96 Broadway LLC  
Street, Apt. No.,  
or PO Box No. 96 Broadway  
City, State, ZIP+4 Murkigh, NY 12550

PS Form 3800, June 2002 See Reverse for Instructions

Exhibit I

**CITY OF NEWBURGH  
BUILDING INSPECTION OFFICE**

(845) 569-7400 TELEFAX (845) 569-7435

**BUILDING  
PERMIT**

**2006-00287**

This document certifies that a Building Permit has been issued by the City of Newburgh Building Inspector Office for work to be performed at the address listed below.

Location: 96 Broadway  
Section, Block. Lot: 30.-5-22

Owner: 96 BROADWAY LLC

Contractor: 96 BROADWAY

This Permit is issued for the following work to be performed:

THIS PERMIT IS FOR RECONSTRUCTION  
TYPE OF SCAFFOLD: WALK-THRU

Authorized By:



Building Inspector

Date: 5/13/2006

This Document Must be Conspicuously Posted On The Premises



CITY OF NEWBURGH BUILDING INSPECTOR'S OFFICE  
22 GRAND ST PHONE NO: 569-7400 FAX: 569-7435

SCAFFOLD PERMIT

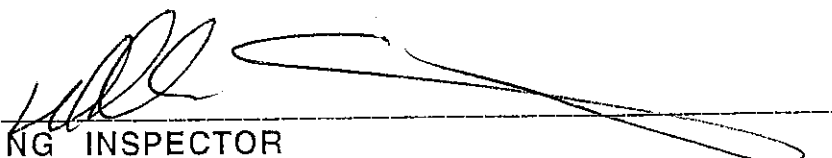
APPLICANT: 96 Broadway LLC  
APPLICANT'S ADDRESS: 96 Broadway, Newburgh, NY 12550  
APPLICANT'S PHONE NO: 845-562-9601  
WORKERS COMPENSATION INFORMATION (ATTACH COPY)  
INSURANCE COMPANY NYS Insurance Fund; UTICA First INS  
WORKERS COMPENSATION NO. w 1202 053-3  
EXPIRATION DATE: 3-27-2007

PLEASE NOTE:  
ALL SCAFFOLDING MUST CONFORM WITH OSHA REQUIREMENT

PROPERTY ADDRESS OF SCAFFOLD: 96 Broadway, Newburgh, NY  
TYPE OF SCAFFOLD: Walk-Thru  
DATES SCAFFOLD WILL BE ON PROPERTY: 5/16/06  
SCAFFOLD ERECTED FOR: Reconstruction  
OWNER OF PROPERTY: 96 Broadway LLC  
ADDRESS OF OWNER: 96 Broadway, Newburgh, NY 12550  
OWNER'S PHONE NO: 845-562-9601

FEE: 25.- RECEIPT NO. 29755

APPROVED:

  
BUILDING INSPECTOR



Frame Scaffold Price Sheet - New

12930A Emmett - Houston TX. 77041 - Office 832-467-1566 - Fax 832-467-1576 - Toll Free 866-301-1566

Fax # 845-562-9602

5/8/2006




Item #	Description	Unit	Qty	Sale Price	Total Sale \$	Total Wt. Lbs.	Mean #	Description	Unit	Qty	Sale Price	Total Sale \$	Total Wt. Lbs.
Frames													
NWT	3' X 6' 4" Walk Thru	40	0	\$41.50	\$0.00	0	B8	8' Board	29	0	\$22.20	\$0.00	0
WT65	5' X 6' 4" Walk Thru	46	13	\$43.50	\$565.50	598	B16	16' Board	58	0	\$40.50	\$0.00	0
MF65	5' X 6' 4" Mason	44	0	\$42.50	\$0.00	0	AD10	10' Aluminum Deck	40	0	\$129.00	\$0.00	0
ME55	5' X 5' Mason	38	0	\$37.00	\$0.00	0	AP10	10' Aluminum/Ply Deck	40	0	\$115.00	\$0.00	0
ME45	5' X 4' Mason	34	0	\$37.00	\$0.00	0	AD7	7' Aluminum Deck	28	0	\$99.00	\$0.00	0
ME35	5' X 3' Mason	27	0	\$35.00	\$0.00	0	AP7	7' Aluminum/Ply Deck	28	0	\$85.00	\$0.00	0
Braces													
B72	7' X 2' Cross Brace	11.6	0	\$10.75	\$0.00	0	SB20-HH	20" Side Bracket	9.25	0	\$13.50	\$0.00	0
B73	7' X 3' Cross Brace	12.6	0	\$10.75	\$0.00	0	EB20-HH	20" End Bracket	8	0	\$15.25	\$0.00	0
B74	7' X 4' Cross Brace	13.5	4	\$10.75	\$43.00	54	Casters & Adapters						
B102	10' X 2' Cross Brace	17.5	0	\$14.50	\$0.00	0	C8R	8" Caster	13.5	0	\$22.00	\$0.00	0
B103	10' X 3' Cross Brace	17.5	0	\$14.50	\$0.00	0	C12PL	12" Plate Caster - Poly	37.4	0	\$144.00	\$0.00	0
B104	10' X 4' Cross Brace	17.5	0	\$14.50	\$0.00	0	C12P	12" Pin Caster - Poly	38	0	\$144.00	\$0.00	0
GB	Goosier Brace	18	18	\$22.00	\$396.00	315	C12T	12" Plate Caster - Pneumatic	34	0	\$156.00	\$0.00	0
Guard Rail Systems													
GRPF	Guard Rail Post Female	8.5	0	\$12.50	\$0.00	0	ADP-R	Plate Adapter - Ringlock	8.3	0	\$25.00	\$0.00	0
GR3	3' Guard Rail	2	0	\$5.50	\$0.00	0	ADP-C	Plate Adapter - Cuplock	8.3	0	\$25.00	\$0.00	0
GR5	5' Guard Rail	4	0	\$6.50	\$0.00	0	ADP-F	Plate Adapter - Frame	8	0	\$25.00	\$0.00	0
GR7	7' Guard Rail	5.25	0	\$7.50	\$0.00	0	ADP-J	Plate Adapter - Jack	17.5	0	\$37.00	\$0.00	0
GR10	10' Guard Rail	11	0	\$10.75	\$0.00	0	Tube & Clamp						
TFGR	5' Guard Rail End Panel	10	0	\$18.00	\$0.00	0	TL4	4' Tubelock	10	0	\$12.50	\$0.00	0
Ladders													
LF3	3' Ladder	12.6	0	\$17.00	\$0.00	0	TL6	6' Tubelock	14	0	\$15.50	\$0.00	0
LF6	6' Ladder	20.5	0	\$26.25	\$0.00	0	TL8	8' Tubelock	17	0	\$19.25	\$0.00	0
LBK	Ladder Bracket	7.3	0	\$10.50	\$0.00	0	TL10	10' Tubelock	21	0	\$23.25	\$0.00	0
Jackets													
S1P	Screwjack W/ Base Plate	12	0	\$13.00	\$0.00	0	TL13	13' Tubelock	27	0	\$29.25	\$0.00	0
SWJ	Screwjack Swivel	13	0	\$18.95	\$0.00	0	RAC	Right Angle	2.9	0	\$3.95	\$0.00	0
SJ1S	Screwjack W/ Socket	11.5	0	\$13.50	\$0.00	0	SWC	Swivel	3	0	\$4.95	\$0.00	0
BP1	Base Plate	3	22	\$6.00	\$132.00	66	BMC	Beam Clamp	3.5	0	\$7.50	\$0.00	0
Accessories													
CP	Coupling Pin	1.25	0	\$1.40	\$0.00	0	SWR	Scaffold Wrench	2	0	\$76.00	\$0.00	0
SC	Spring Clip Retainer	0.05	0	\$0.50	\$0.00	0	Total Weight:						
PTP	Pigtail Pin	0.22	0	\$0.90	\$0.00	0	Total:		Total:		\$1,001.50		
GP	Gravity Pin	0.07	0	\$0.90	\$0.00	0	Freight		Sales Tax:		\$254.80		
OR	Outrigger	20	0	\$39.50	\$0.00	0	Total:		Total:		\$1,256.30		
WW	Wheel Well	20	0	\$52.50	\$0.00	0	Customer: Doug Dollinger						
PA	Pully Arm	35	0	\$57.50	\$0.00	0	Phone # 845-562-9601						
SW7	Frame Stairway w/ hand rail	75	0	\$225.00	\$0.00	0	Shipping						
Multifunction Scaffold													
MFSWGR	Multifunction W/ Guardrail	172	0	\$375.00	\$0.00	0	715# Pallet 80x80x26						
MFS	Multifunction Scaffold	132	0	\$250.00	\$0.00	0	375# Bundle 120x22x22						
MNMF5	Mini Multifunction	70	0	\$120.00	\$0.00	0	12550 NY						
FMF55	5' Steel Folding Multifunction	106	0	\$150.00	\$0.00	0	  						
FMF56	6' Steel Folding Multifunction	132	0	\$180.00	\$0.00	0	CC#						
MF-GR	Multifunction Guard Rail Set	40	0	\$125.00	\$0.00	0	Exp. Date:						
MF-NOR	Multifunction Outrigger Narrow	6	0	\$15.00	\$0.00	0	Billing						
MF-WOR	Multifunction Outrigger Wide	18	0	\$30.00	\$0.00	0							
NOR-SET	N. Outrigger w/ Caster set	44	0	\$100.00	\$0.00	0							
WOR-SET	W. Outrigger w/ Caster set	92	0	\$165.00	\$0.00	0							



Exhibit J

**CITY OF NEWBURGH**  
**CODE COMPLIANCE DEPARTMENT**  
123 Grand St. Newburgh, NY 12550  
Telephone: (845) 569-7400 Fax: (845) 569-0096

Date: 6/2/2006

SBL: 30.-5-22

To: 96 BROADWAY LLC  
96 BROADWAY  
NEWBURGH, NY 12550

Re: Violation Notice Number: 2006-3635  
At: 96 Broadway

Property Owned By: 96 BROADWAY LLC  
Premises Occupied By:

**PLEASE TAKE NOTICE:**


That upon inspection duly made in accordance with the City of Newburgh Code of Ordinances, it appears that there is upon the premises or property located as name above a violation of the CITY CODE OF ORDINANCE Specifically it is believed that there is a violation of Section: 122.20(A) CITY CODE

There is reason to believe that said condition is Dangerous to Public Safety AND SHALL BE CORRECTED AT ONCE. Failure to comply with this notice may result in penalty as prescribed by the Ordinances of the City Of Newburgh.

**DESCRIPTION OF VIOLATION: 96 BROADWAY**  
122.20(A). WHENEVER THE BUILDING OFFICIAL HAS REASONABLE GROUNDS TO BELIEVE THAT WORK ON ANY BUILDING OR STRUCTURE IS BEING PROSECUTED IN VIOLATION OF THE PROVISIONS OF THE APPLICABLE BUILDING PERMIT AS ISSUED OR IN AN UNSAFE AND DANGEROUS MANNER, HE SHALL NOTIFY THE OWNER OF THE PROPERTY OR THE OWNER'S AGENT OR THE PERSON PERFORMING THE WORK TO SUSPEND ALL WORK, AND ANY SUCH PERSON SHALL FORTHWITH STOP SUCH WORK AND SUSPEND ALL BUILDING ACTIVITIES UNTIL THE STOP ORDER HAS BEEN RESCINDED.

**CORRECTIVE ACTION NEEDED:**  
STOP WORK! EXISTING CONSTRUCTION DOES NOT REFLECT APPROVED DRAWINGS. CEASE AND DESIST ALL WORK UNTIL DRAWINGS ARE AMENDED AND APPROVED BY THIS OFFICE.

By Order Of:



You are hereby advised to notify this office when this violation has been corrected by calling the number listed above. At that time you should request an appointment for reinspection of the property. If you have any questions concerning this violation, please call this office and request to speak to: BRUCE TERWILLIGER

CITY OF NEWBURGH  
BUILDING INSPECTOR'S OFFICE  
DAILY INSPECTION RECORD

UPDATE \_\_\_\_\_ NO INSPECTION \_\_\_\_\_ EXTERIOR \_\_\_\_\_ VACANT \_\_\_\_\_

INSPECTION NUMBER \_\_\_\_\_ VIOLATION NUMBER \_\_\_\_\_

DATE OF INSPECTION 6-2-06

ADDRESS: 96 Broadway  
SECTION: \_\_\_\_\_ BLOCK: \_\_\_\_\_ LOT: \_\_\_\_\_ ZONE: \_\_\_\_\_

OWNER: (NAME AND ADDRESS)

PHONE \_\_\_\_\_

TYPE OF INSPECTION: ☒ NEW INSPECTION \_\_\_\_\_ REINSPECTION \_\_\_\_\_

REINSPECTION DATE: 7/6/06  
7-3-06

10:00 AM

REASON FOR INSPECTION:

\_\_\_\_\_ BUILDING PERMIT \_\_\_\_\_ INFORMATIONAL ☒ GENERAL  
\_\_\_\_\_ C OF O \_\_\_\_\_ NEIGHBORHOOD/BLOCK \_\_\_\_\_ COURT RE  
\_\_\_\_\_ COMPLAINT \_\_\_\_\_ PLUMBING \_\_\_\_\_ PRE-RENTAL

NUMBER OF VIOLATIONS FOUND 1 NUMBER OF VIOLATIONS CORRECTED 0

UNIFORM CODE OCC. CLASS \_\_\_\_\_ NFPA PROPERTY USE CODE \_\_\_\_\_

ARRIVAL TIME: 10:00 COMPLETION TIME: 10:15

NUMBER OF DU'S (IF RESIDENTIAL) \_\_\_\_\_ PASS ☒ FAIL INSPECTION \_\_\_\_\_

INSPECTED BY:

\_\_\_\_\_ GIAMETTA ☒ TERWILLIGER \_\_\_\_\_ MORRILL \_\_\_\_\_ BRANSON \_\_\_\_\_ POST  
\_\_\_\_\_ JAMES NELSON  
\_\_\_\_\_ A.C. MANDOSKE  
\_\_\_\_\_ L.T. WISEMAN

LIST OF VIOLATIONS OR COMMENTS:

CODE NUMBER

AREA

STOP WORK  
Existing construction doesn't reflect  
approved drawings. Cease & desist  
all work until drawings are  
amended & approved by this office.

122-20 A

Entire Building  
2006-3635

**Michael B. Curry**  
**8 Grand St. First floor**  
**Newburgh, NY 12550**  
**845 569 1719**

May 30, 2006

Bill Cummings  
Director Code Compliance  
Old Courthouse  
123 Grand St.  
Newburgh, NY 12550  
re: 96 B'way

Dear Mr. Cummings,

As you are aware, I performed a review of the building file for 96 B'way on May 25 2006. This project is on a key intersection and is imperative work progresses quickly, properly, safely and in a manner sensitive to the neighborhood.

As mentioned I was disappointed no drawings for the work currently progressing nor any previous revisions, were on file, at that time, and per our discussion were most likely "out in the field." This situation is of considerable concern to me. The owner should provide sufficient copies of plans for your department to have a field copy and a file copy, drawings can be invaluable to rescue workers in the case of a collapse or other emergency.

My next concern is the permit request submitted Jan 17 2006 noted a 2 business and 2 residential floors. This is not concurrent with the three story office Certificate of Occupancy filed in 1977. No subsequent CO's were apparent in the file. Nor does the permit application appear to concur with the Permitted uses, and the permitted three story maximum, required in the TC-1 Zone. Of course I reserve judgement until the approved drawings may be reviewed.

I am concerned I saw no evidence the contractor's Workmans Compensation insurance certificates were on file prior to May 9<sup>th</sup>. However, work apparently progressed prior to that date.

I would note that Mr. Eric Knute Olson's (owners licenced architect) letter of Feb 3<sup>rd</sup> 2006 noted multiple inspections and found structure in "very good condition" and "lintels true and not loose" and found the building appropriate for roof and joist repairs. Mr. Wheldon Abt (the city's consulting Architect) in his letter of Feb 3<sup>rd</sup> apparently referred the structural situation to "someone else" No other information in reference to the structural conditions were present in the file. I am concerned that no information from any licenced professional exists in reference to the conditions involved in the demolition of the front of the building.

It is troubling that, while permit 2006-0094 was issued for roof repairs only on February 6. This permit appears to have been modified on Mar 24 "as per plans." Mr Abt expressed concern in his letter of Jan 23 that the plans did not, at that time, address code compliance. Mr. Abt was clear that, the scope of work exceeded the estimate of \$150,000 however that number was apparently approved in the permit process.

There have apparently been several meetings in reference to the project however no minutes were apparent in the file.

I am concerned that, now the owner has apparently not yet filed for a certificate of appropriateness with the ARC as you have ordered, as none was in the file. Exterior work continues daily after you have ordered "no exterior work." The building remains completely open to the elements. The removed brick and joists are all apparently stockpiled on site. I am worried the building may remain open and unprotected from the elements as the in wait of the public hearing.

I find it unfortunate that, Mr. Dollingers' (owners' representative) letter in 2005 showing intent to begin work apparently went unanswered. In my opinion a form letter outlining the building permit process, may have nipped this situation in the bud.

As this building is in such a prominent location, and governed by the buildings abandoned code, the city should make effort to ensure work continues, is done safely within the codes and standards set forth. As this situation has been a subject of city council meetings and newspaper articles, I forward copy to Council.

Sincerely,



Michael Curry

cc: Robert McKenna Director, Economic Development  
Mayor & council  
Geoff Chanin  
Geoff Chanin Ico ARC  
Geoff Chanin Ico ZBA  
Elizabeth McKean Records

7005 3110 0004 2627 9512

U.S. Postal Service<sup>TM</sup>  
**CERTIFIED MAIL<sup>TM</sup> RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)  
For delivery information visit our website at [www.usps.com](http://www.usps.com)

**96 Broadway USE**

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark  
Here

Sent To **96 Broadway LLC**  
Street, Apt. No.,  
or PO Box No. **96 Broadway**  
City, State, ZIP+4<sup>®</sup> **Newburgh N.Y. 12550**

PS Form 3800, June 2002 See Reverse for Instructions



Exhibit K

CITY OF NEWBURGH  
BUILDING INSPECTOR'S OFFICE  
DAILY INSPECTION RECORD

\_\_\_\_ UPDATE \_\_\_\_ NO INSPECTION \_\_\_\_ EXTERIOR \_\_\_\_ VACANT

INSPECTION NUMBER \_\_\_\_\_ VIOLATION NUMBER \_\_\_\_\_

DATE OF INSPECTION 6-6-06

ADDRESS: 96 Broadway  
SECTION: \_\_\_\_\_ BLOCK: \_\_\_\_\_ LOT: \_\_\_\_\_ ZONE \_\_\_\_\_

OWNER: (NAME AND ADDRESS)

PHONE \_\_\_\_\_

TYPE OF INSPECTION: \_\_\_\_ NEW INSPECTION \_\_\_\_ REINSPECTION  
REINSPECTION DATE: \_\_\_\_\_

REASON FOR INSPECTION:

\_\_\_\_ BUILDING PERMIT \_\_\_\_ ☒ INFORMATIONAL \_\_\_\_ GENERAL  
\_\_\_\_ C OF O \_\_\_\_ NEIGHBORHOOD/BLOCK \_\_\_\_ COURT RE  
\_\_\_\_ COMPLAINT \_\_\_\_ PLUMBING \_\_\_\_ PRE-RENTAL

NUMBER OF VIOLATIONS FOUND 0 NUMBER OF VIOLATIONS CORRECTED 0

UNIFORM CODE OCC. CLASS \_\_\_\_\_ NFPA PROPERTY USE CODE \_\_\_\_\_

ARRIVAL TIME: 1:00 COMPLETION TIME: 1:30

NUMBER OF DU'S (IF RESIDENTIAL) \_\_\_\_\_ PASS/FAIL INSPECTION \_\_\_\_\_

INSPECTED BY:

\_\_\_\_ GIAMETTA ☒ TERWILLIGER \_\_\_\_ MORRILL \_\_\_\_ BRANSON \_\_\_\_ POST  
\_\_\_\_ JAMES NELSON  
\_\_\_\_ A.C. MANDOSKE  
\_\_\_\_ L.T. WISEMAN

LIST OF VIOLATIONS OR COMMENTS:

CODE NUMBER

AREA

Code Supervisor Bill Cummings  
City Engineer Mike Lamare, Code officer  
Terwilliger & owner Doug Dollinger met &  
discussed what had to be done to lift  
stop work order.



**ORIGINAL**

**APPLICATION FOR ARCHITECTURAL  
REVIEW COMMISSION  
CITY OF NEWBURGH**

123 GRAND STREET

PHONE 569-7400

AR NUMBER 2006-39 DATE SUBMITTED 6-2-06MEETING DATE 6-13-06**INSTRUCTIONS**

This application must be completely filled in by typewriter or printed in ink and submitted to the building inspectors office. If the applicant is not the owner, a letter must accompany this application from the owner giving permission for the work to be done on said property.

Please include a drawing showing the location of lot and buildings on premises, relationship to adjoining premises or public streets or areas. A description of the layout of the property must be on the diagram, which is a part of this application, or be drawn as a separate item and submitted with this application.

This application must describe the nature and scope of the work to be performed, the materials and equipment to be used and details of structural installations.

LOCATION OF PROPERTY: 96 Broadway  
(GIVE STREET NUMBER AND NAME OR NAME AND DISTANCE FROM NEAREST CROSS STREET)

OWNERS NAME: 96 Broadway LLC

OWNERS ADDRESS: 96 Broadway, Newburgh, NY 12550

OWNERS PHONE: 845-562-9601

PLACE PICTURE HERE:

PLEASE NOTE: FAILURE TO SUBMIT PICTURE WITH APPLICATION WILL  
CONSTITUTE NO REVIEW OF THE APPLICATION BY THE ARCHITECTURAL  
REVIEW COMMISSION\*\*

30  
5  
22

**APPLICATION FOR ARCHITECTURAL  
REVIEW COMMISSION  
CITY OF NEWBURGH**

1. Nature of work to be performed: (Check which is applicable)

Addition: ☒ Alteration: ☒ Repair: ☒

Demolition: ☐ Other: ☐

Doors: ☒ Roof: ☒ Windows: ☒ Sign: ☐

Soffits: ☐ Cornices: ☒ Fences: ☐ Decks: ☐

Pointing: ☐ Spindles: ☐ Railings: ☐ Steps: ☒

Recommendation to Planning Board: ☐

Recommendation to Zoning Board of Appeals: ☐

2. Total square footage of proposed building: NIA  
IF NEEDED

3. Size of lot: NIA

4. Name of Engineer or Architect: ERIC KNOTE OSBORN  
IF NEEDED

Address: 7 JOYCE PLACE, STONY POINT, N.Y. 10980

Phone: 845-496-9000

5. Name of Contractor: MAXIMUM SOLUTIONS

Address: PO Box 47, Bellvale, NY 10912

Phone: 845-597-4377

PROVIDE A BRIEF DESCRIPTION OF THE FOLLOWING: Attach product literature,  
photo's, sketches, etc. of work.

- Description of work to be done, materials being used, dimensions of work, color of paint being used, etc.:

ADDITION, ALTERATIONS, REPAIR  
DOORS, ROOF, WINDOWS, STEPS, CLOCK, FINIALS  
COLUMNS, DECORATIVE CORNICES  
Beige & White Paint

Variance or Special Permit: For recommendations only; Please circle one or both whichever applies.

Please explain what variance or special use permit is for: NIA

APPLICATION FOR ARCHITECTURAL  
REVIEW COMMISSION  
CITY OF NEWBURGH

STARTING DATE: march 2006

TO BE FINISHED SIX MONTHS FROM STARTING DATE: october 2006

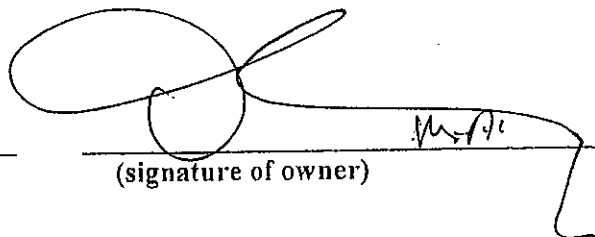
DRAW SKETCH HERE:

See Attached sketch Photo

I UNDERSTAND AND AGREE THAT NO WORK ON THIS REQUEST SHALL  
COMMENCE UNTIL WRITTEN APPROVAL HAS BEEN GIVEN BY THE  
ARCHITECTURAL REVIEW COMMISSION AND APPROVAL FROM THE  
BUILDING INSPECTOR.

PRINT NAME AND SIGN

D. Dollinger

  
(signature of owner)

617.20  
Appendix AState Environmental Quality Review  
FULL ENVIRONMENTAL ASSESSMENT FORM

**Purpose:** The full EAF is designed to help applicants and agencies determine, in an orderly manner, whether a project or action may be significant. The question of whether an action may be significant is not always easy to answer. Frequently, there are aspects of a project that are subjective or unmeasurable. It is also understood that those who determine significance may have little or no formal knowledge of the environment or may not be technically expert in environmental analysis. In addition, many who have knowledge in one particular area may not be aware of the broader concerns affecting the question of significance.

The full EAF is intended to provide a method whereby applicants and agencies can be assured that the determination process has been orderly, comprehensive in nature, yet flexible enough to allow introduction of information to fit a project or action.

**Full EAF Components:** The full EAF is comprised of three parts:

- Part 1:** Provides objective data and information about a given project and its site. By identifying basic project data, it assists a reviewer in the analysis that takes place in Parts 2 and 3.
- Part 2:** Focuses on identifying the range of possible impacts that may occur from a project or action. It provides guidance as to whether an impact is likely to be considered small to moderate or whether it is a potentially-large impact. The form also identifies whether an impact can be mitigated or reduced.
- Part 3:** If any impact in Part 2 is identified as potentially-large, then Part 3 is used to evaluate whether or not the impacts are actually important.

## THIS AREA FOR LEAD AGENCY USE ONLY

## DETERMINATION OF SIGNIFICANCE -- Type 1 and Unlisted Actions

Identify the Portions of EAF completed for this project:



Part 1



Part 2



Part 3

Upon review of the information recorded on this EAF (Parts 1 and 2 and 3 if appropriate), and any other supporting information, and considering both the magnitude and importance of each impact, it is reasonably determined by the lead agency that:

- ☒ A. The project will not result in any large and important impact(s) and, therefore, is one which will not have a significant impact on the environment, therefore a negative declaration will be prepared.
- ☐ B. Although the project could have a significant effect on the environment, there will not be a significant effect for this Unlisted Action because the mitigation measures described in PART 3 have been required, therefore a CONDITIONED negative declaration will be prepared.\*
- ☐ C. The project may result in one or more large and important impacts that may have a significant impact on the environment, therefore a positive declaration will be prepared.

\*A Conditioned Negative Declaration is only valid for Unlisted Actions

96 Broadway LLC

Name of Action

Name of Lead Agency

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (If different from responsible officer)

## PART 1--PROJECT INFORMATION

Prepared by Project Sponsor

NOTICE: This document is designed to assist in determining whether the action proposed may have a significant effect on the environment. Please complete the entire form, Parts A through E. Answers to these questions will be considered as part of the application for approval and may be subject to further verification and public review. Provide any additional information you believe will be needed to complete Parts 2 and 3.

It is expected that completion of the full EAF will be dependent on information currently available and will not involve new studies, research or investigation. If information requiring such additional work is unavailable, so indicate and specify each instance.

Name of Action

96 Broadway LLC

Location of Action (include Street Address, Municipality and County)

96 Broadway, Newburgh, NY 12550. Orange County

Name of Applicant/Sponsor

LAW OFFICE OF DOUGLAS R. DOLLINGER

Address

96 Broadway

City / PO

Newburgh

State

NY

Zip Code

12550

Business Telephone

845-562-9601

Name of Owner (if different)

Address

City / PO

State

Zip Code

Business Telephone

Description of Action:



Please Complete Each Question--Indicate N.A. if not applicable

### A. SITE DESCRIPTION

Physical setting of overall project, both developed and undeveloped areas.

1. Present Land Use: ☐ Urban ☐ Industrial ☒ Commercial ☐ Residential (suburban) ☐ Rural (non-farm)  
☐ Forest ☐ Agriculture ☐ Other \_\_\_\_\_

2. Total acreage of project area: NA acres.

APPROXIMATE ACREAGE	PRESENTLY	AFTER COMPLETION
Meadow or Brushland (Non-agricultural)	_____ acres	_____ acres
Forested	_____ acres	_____ acres
Agricultural (Includes orchards, cropland, pasture, etc.)	_____ acres	_____ acres
Wetland (Freshwater or tidal as per Articles 24.25 of ECL)	_____ acres	_____ acres
Water Surface Area	_____ acres	_____ acres
Unvegetated (Rock, earth or fill)	_____ acres	_____ acres
Roads, buildings and other paved surfaces	_____ acres	_____ acres
Other (Indicate type) _____	_____ acres	_____ acres

3. What is predominant soil type(s) on project site? NA

- a. Soil drainage: ☐ Well drained \_\_\_\_\_ % of site ☐ Moderately well drained \_\_\_\_\_ % of site.  
☐ Poorly drained \_\_\_\_\_ % of site

- b. If any agricultural land is involved, how many acres of soil are classified within soil group 1 through 4 of the NYS Land Classification System? \_\_\_\_\_ acres (see 1 NYCRR 370).

4. Are there bedrock outcroppings on project site? ☐ Yes ☒ No

- a. What is depth to bedrock \_\_\_\_\_ (in feet)

5. Approximate percentage of proposed project site with slopes:

☒ 0-10% \_\_\_\_\_ % ☐ 10-15% \_\_\_\_\_ % ☐ 15% or greater \_\_\_\_\_ %

6. Is project substantially contiguous to, or contain a building, site, or district, listed on the State or National Registers of Historic Places? ☐ Yes ☒ No

7. Is project substantially contiguous to a site listed on the Register of National Natural Landmarks? ☐ Yes ☒ No

8. What is the depth of the water table? NA (in feet)

9. Is site located over a primary, principal, or sole source aquifer? ☐ Yes ☒ No

10. Do hunting, fishing or shell fishing opportunities presently exist in the project area? ☐ Yes ☒ No

11. Does project site contain any species of plant or animal life that is identified as threatened or endangered?

☐ Yes ☒ No

According to:

Identify each species:

12. Are there any unique or unusual land forms on the project site? (i.e., cliffs, dunes, other geological formations?)

☐ Yes ☒ No

Describe:

13. Is the project site presently used by the community or neighborhood as an open space or recreation area?

☐ Yes ☒ No

If yes, explain:

14. Does the present site include scenic views known to be important to the community?

☐ Yes ☒ No

15. Streams within or contiguous to project area:

NA

a. Name of Stream and name of River to which it is tributary

16. Lakes, ponds, wetland areas within or contiguous to project area:

NA

b. Size (in acres):

17. Is the site served by existing public utilities? ☒ Yes ☐ No
- a. If YES, does sufficient capacity exist to allow connection? ☒ Yes ☐ No
- b. If YES, will improvements be necessary to allow connection? ☒ Yes ☐ No
18. Is the site located in an agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☐ Yes ☒ No
19. Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL and 6 NYCRR 617? ☐ Yes ☒ No
20. Has the site ever been used, for the disposal of solid or hazardous wastes? ☐ Yes ☒ No

## B. Project Description

## 1. Physical dimensions and scale of project (fill in dimensions as appropriate).

- a. Total contiguous acreage owned or controlled by project sponsor: 1/4 acres.
- b. Project acreage to be developed: NA acres initially; \_\_\_\_\_ acres ultimately.
- c. Project acreage to remain undeveloped: NA acres.
- d. Length of project, in miles: NA (if appropriate)
- e. If the project is an expansion, indicate percent of expansion proposed: 20 %
- f. Number of off-street parking spaces existing \_\_\_\_\_; proposed \_\_\_\_\_ *owner has provided separate parking lot in excess of limited amount of parking spaces*
- g. Maximum vehicular trips generated per hour: NA (upon completion of project)?
- h. If residential: Number and type of housing units: NA
- |            | One Family | Two Family | Multiple Family | Condominium |
|------------|------------|------------|-----------------|-------------|
| Initially  | _____      | _____      | _____           | _____       |
| Ultimately | _____      | _____      | _____           | _____       |
- i. Dimensions (in feet) of largest proposed structure: \_\_\_\_\_ height: \_\_\_\_\_ width: \_\_\_\_\_ length.
- j. Linear feet of frontage along a public thoroughfare project will occupy is? \_\_\_\_\_ ft.
2. How much natural material (i.e. rock, earth, etc.) will be removed from the site? NA tons/cubic yards.
3. Will disturbed areas be reclaimed? ☐ Yes ☐ No ☒ N/A

- a. If yes, for what intended purpose is the site being reclaimed?

- b. Will topsoil be stockpiled for reclamation? ☐ Yes ☐ No NA
- c. Will upper subsoil be stockpiled for reclamation? ☐ Yes ☐ No NA
4. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site? 0 acres.

5. Will any mature forest (over 100 years old) or other locally-important vegetation be removed by this project?

☐ Yes ☒ No

6. If single phase project: Anticipated period of construction: 6 months, (including demolition)

7. If multi-phased: NA

a. Total number of phases anticipated: \_\_\_\_\_ (number)

b. Anticipated date of commencement phase 1: \_\_\_\_\_ month \_\_\_\_\_ year, (including demolition)

c. Approximate completion date of final phase: \_\_\_\_\_ month \_\_\_\_\_ year.

d. Is phase 1 functionally dependent on subsequent phases? ☐ Yes ☒ No

8. Will blasting occur during construction? ☐ Yes ☒ No

9. Number of jobs generated: during construction 6 : after project is complete 25

10. Number of jobs eliminated by this project 0

11. Will project require relocation of any projects or facilities? ☐ Yes ☒ No

If yes, explain:

12. Is surface liquid waste disposal involved? ☐ Yes ☒ No

a. If yes, indicate type of waste (sewage, industrial, etc) and amount \_\_\_\_\_

b. Name of water body into which effluent will be discharged \_\_\_\_\_

13. Is subsurface liquid waste disposal involved? ☐ Yes ☒ No Type \_\_\_\_\_

14. Will surface area of an existing water body increase or decrease by proposal? ☐ Yes ☒ No

If yes, explain:

15. Is project or any portion of project located in a 100 year flood plain? ☐ Yes ☒ No

16. Will the project generate solid waste? ☐ Yes ☒ No

a. If yes, what is the amount per month? \_\_\_\_\_ tons

b. If yes, will an existing solid waste facility be used? ☐ Yes ☒ No

c. If yes, give name \_\_\_\_\_ : location \_\_\_\_\_

d. Will any wastes not go into a sewage disposal system or into a sanitary landfill? ☐ Yes ☒ No

e. If yes, explain:

17. Will the project involve the disposal of solid waste? ☐ Yes ☒ No

a. If yes, what is the anticipated rate of disposal? \_\_\_\_\_ tons/month.

b. If yes, what is the anticipated site life? \_\_\_\_\_ years.

18. Will project use herbicides or pesticides? ☐ Yes ☒ No

19. Will project routinely produce odors (more than one hour per day)? ☐ Yes ☒ No

20. Will project produce operating noise exceeding the local ambient noise levels? ☐ Yes ☒ No

21. Will project result in an increase in energy use? ☐ Yes ☒ No

If yes, indicate type(s)

22. If water supply is from wells, indicate pumping capacity NA gallons/minute.

23. Total anticipated water usage per day NA gallons/day.

24. Does project involve Local, State or Federal funding? ☐ Yes ☒ No

If yes, explain:

## 25. Approvals Required:

Type

Submittal Date

City, Town, Village Board

☐

Yes

☒

No

City, Town, Village Planning Board

☒

Yes

☐

No

City, Town Zoning Board

☐

Yes

☒

No

City, County Health Department

☐

Yes

☒

No

Other Local Agencies

☐

Yes

☒

No

Other Regional Agencies

☐

Yes

☒

No

State Agencies

☐

Yes

☒

No

Federal Agencies

☐

Yes

☒

No

Dept of Building

March 06

## C. Zoning and Planning Information

1. Does proposed action involve a planning or zoning decision? ☐ Yes ☒ No

If Yes, indicate decision required:

☐

Zoning amendment

☐

Zoning variance

☐

New/revision of master plan

☐

Subdivision

☐

Site plan

☐

Special use permit

☐

Resource management plan

☐

Other

2. What is the zoning classification(s) of the site?

NA

3. What is the maximum potential development of the site if developed as permitted by the present zoning?

NA

4. What is the proposed zoning of the site?

NA

5. What is the maximum potential development of the site if developed as permitted by the proposed zoning?

NA

6. Is the proposed action consistent with the recommended uses in adopted local land use plans?

☒ Yes

☐ No

7. What are the predominant land use(s) and zoning classifications within a ¼ mile radius of proposed action?

Commercial  
Retail  
RESTAURANTS

8. Is the proposed action compatible with adjoining/surrounding land uses with a ¼ mile?

☒ Yes

☐ No

9. If the proposed action is the subdivision of land, how many lots are proposed? NA

a. What is the minimum lot size proposed?

10. Will proposed action require any authorization(s) for the formation of sewer or water districts? ☐ Yes ☒ No

11. Will the proposed action create a demand for any community-provided services (recreation, education, police, fire protection)?

☐ Yes ☒ No

a. If yes, is existing capacity sufficient to handle projected demand? ☐ Yes ☒ No

12. Will the proposed action result in the generation of traffic significantly above present levels? ☐ Yes ☐ No

a. If yes, is the existing road network adequate to handle the additional traffic. ☐ Yes ☐ No

D. Informational Details

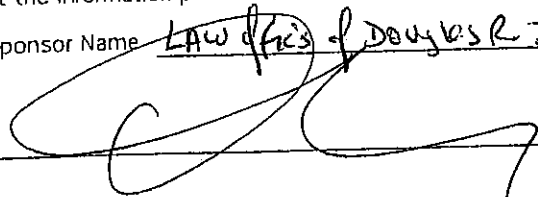
Attach any additional information as may be needed to clarify your project. If there are or may be any adverse impacts associated with your proposal, please discuss such impacts and the measures which you propose to mitigate or avoid them.

E. Verification

I certify that the information provided above is true to the best of my knowledge.

Applicant/Sponsor Name LAW OFFICES OF DOUGLAS R. DOLLINGER Date 6-2-06

Signature



Title

ATTORNEY FOR 96 BROADWAY LLC

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment.



## PART 2 - PROJECT IMPACTS AND THEIR MAGNITUDE

## Responsibility of Lead Agency

## General Information (Read Carefully)

- ! In completing the form the reviewer should be guided by the question: Have my responses and determinations been reasonable? The reviewer is not expected to be an expert environmental analyst.
- ! The Examples provided are to assist the reviewer by showing types of impacts and wherever possible the threshold of magnitude that would trigger a response in column 2. The examples are generally applicable throughout the State and for most situations. But, for any specific project or site other examples and/or lower thresholds may be appropriate for a Potential Large Impact response, thus requiring evaluation in Part 3.
- ! The impacts of each project, on each site, in each locality, will vary. Therefore, the examples are illustrative and have been offered as guidance. They do not constitute an exhaustive list of impacts and thresholds to answer each question.
- ! The number of examples per question does not indicate the importance of each question.
- ! In identifying impacts, consider long term, short term and cumulative effects.

## Instructions (Read carefully)

- a. Answer each of the 20 questions in PART 2. Answer Yes if there will be any impact.
- b. Maybe answers should be considered as Yes answers.
- c. If answering Yes to a question then check the appropriate box(column 1 or 2) to indicate the potential size of the impact. If impact threshold equals or exceeds any example provided, check column 2. If impact will occur but threshold is lower than example, check column 1.
- d. Identifying that an impact will be potentially large (column 2) does not mean that it is also necessarily significant. Any large impact must be evaluated in PART 3 to determine significance. Identifying an impact in column 2 simply asks that it be looked at further.
- e. If reviewer has doubt about size of the impact then consider the impact as potentially large and proceed to PART 3.
- f. If a potentially large impact checked in column 2 can be mitigated by change(s) in the project to a small to moderate impact, also check the Yes box in column 3. A No response indicates that such a reduction is not possible. This must be explained in Part 3.

1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

## Impact on Land

1. Will the Proposed Action result in a physical change to the project site?

NO ☒ YES ☐

Examples that would apply to column 2

- |  |                          |                          |  |
|--|--------------------------|--------------------------|--|
| Any construction on slopes of 15% or greater, (15 foot rise per 100 foot of length), or where the general slopes in the project area exceed 10%. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Construction on land where the depth to the water table is less than 3 feet.   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Construction of paved parking area for 1,000 or more vehicles.   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Construction on land where bedrock is exposed or generally within 3 feet of existing ground surface.   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Construction that will continue for more than 1 year or involve more than one phase or stage.  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Excavation for mining purposes that would remove more than 1,000 tons of natural material (i.e., rock or soil) per year.                         | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
Construction or expansion of a sanitary landfill.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
Construction in a designated floodway.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

2. Will there be an effect to any unique or unusual land forms found on the site? (i.e., cliffs, dunes, geological formations, etc.)

☒ NO ☐ YES

Specific land forms:

☐ ☐ ☐ Yes ☐ No

### Impact on Water

3. Will Proposed Action affect any water body designated as protected? (Under Articles 15, 24, 25 of the Environmental Conservation Law, ECL)

☒ NO ☐ YES

Examples that would apply to column 2

• Developable area of site contains a protected water body.

☐ ☐ ☐ Yes ☐ No

• Dredging more than 100 cubic yards of material from channel of a protected stream.

☐ ☐ ☐ Yes ☐ No

• Extension of utility distribution facilities through a protected water body.

☐ ☐ ☐ Yes ☐ No

• Construction in a designated freshwater or tidal wetland.

☐ ☐ ☐ Yes ☐ No

• Other impacts:

☐ ☐ ☐ Yes ☐ No

4. Will Proposed Action affect any non-protected existing or new body of water?

☒ NO ☐ YES

Examples that would apply to column 2

• A 10% increase or decrease in the surface area of any body of water or more than a 10 acre increase or decrease.

☐ ☐ ☐ Yes ☐ No

• Construction of a body of water that exceeds 10 acres of surface area.

☐ ☐ ☐ Yes ☐ No

• Other impacts:

☐ ☐ ☐ Yes ☐ No

1  
Small to  
Moderate  
Impact

2  
Potential  
Large  
Impact

3  
Can Impact Be  
Mitigated by  
Project Change

5. Will Proposed Action affect surface or groundwater quality or quantity?

☒ NO

☐ YES

Examples that would apply to column 2

- |  | 1<br>Small to<br>Moderate<br>Impact | 2<br>Potential<br>Large<br>Impact | 3<br>Can Impact Be<br>Mitigated by<br>Project Change     |
|--|-------------------------------------|-----------------------------------|--|
| Proposed Action will require a discharge permit.   | <input type="checkbox"/>            | <input type="checkbox"/>          | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Proposed Action requires use of a source of water that does not have approval to serve proposed (project) action.  | <input type="checkbox"/>            | <input type="checkbox"/>          | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Proposed Action requires water supply from wells with greater than 45 gallons per minute pumping capacity.   | <input type="checkbox"/>            | <input type="checkbox"/>          | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Construction or operation causing any contamination of a water supply system.  | <input type="checkbox"/>            | <input type="checkbox"/>          | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Proposed Action will adversely affect groundwater.   | <input type="checkbox"/>            | <input type="checkbox"/>          | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Liquid effluent will be conveyed off the site to facilities which presently do not exist or have inadequate capacity.  | <input type="checkbox"/>            | <input type="checkbox"/>          | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Proposed Action would use water in excess of 20,000 gallons per day.   | <input type="checkbox"/>            | <input type="checkbox"/>          | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Proposed Action will likely cause siltation or other discharge into an existing body of water to the extent that there will be an obvious visual contrast to natural conditions. | <input type="checkbox"/>            | <input type="checkbox"/>          | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Proposed Action will require the storage of petroleum or chemical products greater than 1,100 gallons.   | <input type="checkbox"/>            | <input type="checkbox"/>          | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Proposed Action will allow residential uses in areas without water and/or sewer services.  | <input type="checkbox"/>            | <input type="checkbox"/>          | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Proposed Action locates commercial and/or industrial uses which may require new or expansion of existing waste treatment and/or storage facilities.                              | <input type="checkbox"/>            | <input type="checkbox"/>          | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Other impacts:   | <input type="checkbox"/>            | <input type="checkbox"/>          | <input type="checkbox"/> Yes <input type="checkbox"/> No |

1  
Small to  
Moderate  
Impact

2  
Potential  
Large  
Impact

3  
Can Impact Be  
Mitigated by  
Project Change

6. Will Proposed Action alter drainage flow or patterns, or surface water runoff?

☒ NO

☐ YES

Examples that would apply to column 2

- |  |                          |                          |                              |                             |
|--|--------------------------|--------------------------|------------------------------|-----------------------------|
| Proposed Action would change flood water flows                   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Proposed Action may cause substantial erosion.                   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Proposed Action is incompatible with existing drainage patterns. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Proposed Action will allow development in a designated floodway. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Other impacts:   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

#### IMPACT ON AIR

7. Will Proposed Action affect air quality?

☒ NO

☐ YES

Examples that would apply to column 2

- |   |                          |                          |                              |                             |
|---|--------------------------|--------------------------|------------------------------|-----------------------------|
| Proposed Action will induce 1,000 or more vehicle trips in any given hour.  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Proposed Action will result in the incineration of more than 1 ton of refuse per hour.  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Emission rate of total contaminants will exceed 5 lbs. per hour or a heat source producing more than 10 million BTU's per hour. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Proposed Action will allow an increase in the amount of land committed to industrial use.                                       | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Proposed Action will allow an increase in the density of industrial development within existing industrial areas.               | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Other impacts:  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

#### IMPACT ON PLANTS AND ANIMALS

8. Will Proposed Action affect any threatened or endangered species?

☒ NO

☐ YES

Examples that would apply to column 2

- |   |                          |                          |                              |                             |
|---|--------------------------|--------------------------|------------------------------|-----------------------------|
| Reduction of one or more species listed on the New York or Federal list, using the site, over or near the site, or found on the site. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
|---|--------------------------|--------------------------|------------------------------|-----------------------------|

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• Removal of any portion of a critical or significant wildlife habitat.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Application of pesticide or herbicide more than twice a year, other than for agricultural purposes.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

9. Will Proposed Action substantially affect non-threatened or non-endangered species?

☒ NO ☐ YES

Examples that would apply to column 2

- |  |                          |                          |  |
|--|--------------------------|--------------------------|--|
| • Proposed Action would substantially interfere with any resident or migratory fish, shellfish or wildlife species.                          | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action requires the removal of more than 10 acres of mature forest (over 100 years of age) or other locally important vegetation. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Other impacts:   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

#### IMPACT ON AGRICULTURAL LAND RESOURCES

10. Will Proposed Action affect agricultural land resources?

☒ NO ☐ YES

Examples that would apply to column 2

- |  |                          |                          |  |
|--|--------------------------|--------------------------|--|
| • The Proposed Action would sever, cross or limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc.)                                 | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Construction activity would excavate or compact the soil profile of agricultural land.   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • The Proposed Action would irreversibly convert more than 10 acres of agricultural land or, if located in an Agricultural District, more than 2.5 acres of agricultural land. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

- The Proposed Action would disrupt or prevent installation of agricultural land management systems (e.g., subsurface drain lines, outlet ditches, strip cropping); or create a need for such measures (e.g. cause a farm field to drain poorly due to increased runoff).

Other impacts:

#### IMPACT ON AESTHETIC RESOURCES

11. Will Proposed Action affect aesthetic resources? (If necessary, use the Visual EAF Addendum in Section 617.20, Appendix B.)
- ☒ NO ☐ YES

Examples that would apply to column 2

- Proposed land uses, or project components obviously different from or in sharp contrast to current surrounding land use patterns, whether man-made or natural.
- Proposed land uses, or project components visible to users of aesthetic resources which will eliminate or significantly reduce their enjoyment of the aesthetic qualities of that resource.
- Project components that will result in the elimination or significant screening of scenic views known to be important to the area.
- Other impacts:

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

#### IMPACT ON HISTORIC AND ARCHAEOLOGICAL RESOURCES

12. Will Proposed Action impact any site or structure of historic, prehistoric or paleontological importance?
- ☒ NO ☐ YES

Examples that would apply to column 2

- Proposed Action occurring wholly or partially within or substantially contiguous to any facility or site listed on the State or National Register of historic places.
- Any impact to an archaeological site or fossil bed located within the project site.
- Proposed Action will occur in an area designated as sensitive for archaeological sites on the NYS Site Inventory.

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

Other impacts:

## IMPACT ON OPEN SPACE AND RECREATION

13. Will proposed Action affect the quantity or quality of existing or future open spaces or recreational opportunities?

☒ NO ☐ YES

Examples that would apply to column 2

- The permanent foreclosure of a future recreational opportunity.

☐ ☐ ☐ Yes ☐ No

- A major reduction of an open space important to the community.

☐ ☐ ☐ Yes ☐ No

Other impacts:

☐ ☐ ☐ Yes ☐ No

## IMPACT ON CRITICAL ENVIRONMENTAL AREAS

14. Will Proposed Action impact the exceptional or unique characteristics of a critical environmental area (CEA) established pursuant to subdivision 6NYCRR 617.14(g)?

☒ NO ☐ YES

List the environmental characteristics that caused the designation of the CEA.

Examples that would apply to column 2

- Proposed Action to locate within the CEA?

☐ ☐ ☐ Yes ☐ No

- Proposed Action will result in a reduction in the quantity of the resource?

☐ ☐ ☐ Yes ☐ No

- Proposed Action will result in a reduction in the quality of the resource?

☐ ☐ ☐ Yes ☐ No

- Proposed Action will impact the use, function or enjoyment of the resource?

☐ ☐ ☐ Yes ☐ No

Other impacts:

☐ ☐ ☐ Yes ☐ No

1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

## IMPACT ON TRANSPORTATION

15. Will there be an effect to existing transportation systems?

☒ NO ☐ YES

Examples that would apply to column 2

- |  |                          |                          |                              |                             |
|--|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Alteration of present patterns of movement of people and/or goods. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will result in major traffic problems.             | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts:   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

## IMPACT ON ENERGY

16. Will Proposed Action affect the community's sources of fuel or energy supply?

☒ NO ☐ YES

Examples that would apply to column 2

- |   |                          |                          |                              |                             |
|---|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Proposed Action will cause a greater than 5% increase in the use of any form of energy in the municipality.   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two family residences or to serve a major commercial or industrial use. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts:  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

## NOISE AND ODOR IMPACT

17. Will there be objectionable odors, noise, or vibration as a result of the Proposed Action?

☒ NO ☐ YES

Examples that would apply to column 2

- |  |                          |                          |                              |                             |
|--|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Blasting within 1,500 feet of a hospital, school or other sensitive facility.  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Odors will occur routinely (more than one hour per day).   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will produce operating noise exceeding the local ambient noise levels for noise outside of structures. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will remove natural barriers that would act as a noise screen.   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts:   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |



3  
Can Impact Be  
Mitigated by  
Project Change

~~-18. Will Proposed Action affect public health and safety?~~

☐ Yes ☐ No

☐ Yes ☐ No

☐ Yes ☐ No

☐ Yes ☐ No

☐ Yes ☐ No

19. Will Proposed Action affect the character of the existing community?

☐ Yes ☐ No

☐ Yes ☐ No

☐ Yes ☐ No

☐ Yes ☐ No

☐ Yes    ☐ No☐ Yes ☐ No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Proposed Action will set an important precedent for future projects.

Proposed Action will create or eliminate employment.

Other impacts:

20. Is there, or is there likely to be, public controversy related to potential adverse environment impacts?

☒ NO ☐ YES

If Any Action in Part 2 Is Identified as a Potential Large Impact or If you Cannot Determine the Magnitude of Impact, Proceed to Part 3

## Part 3 - EVALUATION OF THE IMPORTANCE OF IMPACTS

### Responsibility of Lead Agency

Part 3 must be prepared if one or more impact(s) is considered to be potentially large, even if the impact(s) may be mitigated.

Instructions (If you need more space, attach additional sheets)

Discuss the following for each impact identified in Column 2 of Part 2:

1. Briefly describe the impact.
2. Describe (if applicable) how the impact could be mitigated or reduced to a small to moderate impact by project change(s).
3. Based on the information available, decide if it is reasonable to conclude that this impact is important.

To answer the question of importance, consider:

- ! The probability of the impact occurring
- ! The duration of the impact
- ! Its irreversibility, including permanently lost resources of value
- ! Whether the impact can or will be controlled
- ! The regional consequence of the impact
- ! Its potential divergence from local needs and goals
- ! Whether known objections to the project relate to this impact.